IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12958 of 2004

Between:

Rondi Pochaiah, S/o Rajaiah, Ex-Conductor, APSRTC, E-87825 Godavarikhani Depot, R/o Seethagondi Vill & Post. Gudihatnur Mandal, Adilabad District

..... PETITIONER

AND

1 The APSRTC rep.by The Depot Manager, APSRTC

Godavarikhani Bus Depot, Godavarikhani Post & Mandal,

Karimnagar District
2 The Presiding Officer, Industrial Tribunal cum Labour Court at

Godavarikhani, Karimnagar District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Certiorari U/A 226 of the Constitution of India by calling for the records pertains to Award in I.D.No.26/1996 dated 26-3-1999 which was published in G.O.Rt.No.1066 dated 8-6-1999 which was dismissed for default by the 2nd respondent herein and to quash the same and to consequently direct the 2nd respondent herein to restore the same on its file and to hear the same finally and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice

Counsel for the Petitioner:MR.SADURAJESWARA REDDY

Counsel for the Respondent No.: SMT.G.JYOTHI KIRAN

The Court made the following O R D E R:

Petitioner worked as a Conductor in the first respondent-Corporation. He was removed from service on the allegation of certain irregularities. He raised a dispute before the Industrial Tribunal-cum-Labour Court, Godavarikhani, through I.D. No.26 of 1996, which was dismissed for default by the Tribunal on 26-03-1999.

The grievance of the petitioner is that when he made an application on 23-08-1999 to set aside the default order, the Industrial Tribunal did not entertain the said application on the ground that the award was already published in G.O.Rt.No.1066, dated 09-06-1999, and the Court has no jurisdiction to entertain the application, hence, he approached this Court.

In the light of the circumstances explained by the petitioner, the award of the Industrial Tribunal in I.D.No.26 of 1996, dated 26-03-1999, which was published in G.O.Rt.No.1066, dated 09-06-1999, is hereby set aside and the Industrial Tribunal shall restore the I.D to its original file and give an opportunity to the petitioner and the opposite side, and dispose of the same on merits.

The writ petition is accordingly allowed. No order as to costs.

_____

28-07-2004

Note: Furnish C.C. in three days

b/o

vrn

To

1 The APSRTC rep.by The Depot Manager, APSRTC

Godavarikhani Bus Depot, Godavarikhani Post & Mandal,

Karimnagar District

2 The Presiding Officer, Industrial Tribunal cum Labour Court at

Godavarikhani, Karimnagar District

3 Two C.D copies